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EXAMINER

LEE, MICHAEL

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,208

Applicant(s)

SEONG, WON-KYUNG

Examiner

M. Lee

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/06, 5/05, 3/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Yang (6,459,906).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Yang shows an input means (32), a control means (30), a tuner (20), a video processing means (36), and a display means (40).

3. Claims 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Yui et al. (6,885,406).

Regarding claim 12, Yui shows a controlling step (20), a receiving and converting step (2a-5a, 2b-5b), a scaling step (7a, 7b), a shared memory 10 for storing video

frames and OSD, EPG and GUI data (see col. 6, lines 5-11, 35-43, and Figure 3). The memory is accessed according to the frame rate of the display device 14 (see col. 5, lines 36-39, col. 7, lines 12-22), meaning the video memory areas are read and write in a particular frame rate. The invention of Yui is intended to use in any display device, such as a mobile terminal (col. 5, lines 36-46).

Regarding claim 13, see col. 11, lines 47-55.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yui et al. (6,885,406).

Regarding claims 14 and 15, Yui does not specify the rotating command as claimed. The Examiner takes Official Notice that rotating a displaying image on a display device to a desired position is well known in the art because it enables the viewer to see a better view of the image. For instance, an elongated image provides maximum viewing information when displayed along with the long dimension of the display device. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Yui to include the well known image rotating step to perform the well known functions as claimed.

Regarding claim 16, in addition of rejection above, Yui does not specify the capture command as claimed. The Examiner takes Official Notice that using a capture command to capture a video picture is well known in the art because it enables the picture to be saved and viewed in later time. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a capture command into Yui so that the video images could be captured for later viewing.

Regarding claim 17, in addition of rejection above, Yui teaches the picture can be scaled up (see col. 8, lines 18-27).

Regarding claim 18, in addition of rejection above. Yui further shows a cancel button 32, which meets the exit menu as claimed. Since Yui's invention is intended to use in mobile environments, the selection of the cancel button means a communication mode is being selected.

6. Claims 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (6,459,906) in view of Yui et al. (6,885,406).

Regarding claim 2, Yang does not specify the first, second and third memory as claimed; however, Yang does teach that the image of the OSD can similarly be displayed using a video memory such as a video memory (col. 6, lines 52-55). Yui, from the similar field of endeavor, discloses such memories (see Figure 3). Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Yang to include the video memory of Yui to perform the well known functions as claimed.

Regarding claim 3, see Yui in col. 4, lines 39-42.

Regarding claim 4, see Yui in col. 5, lines 10-20.

Regarding claim 5, see Yui in col. 6, lines 5-11.

Regarding claim 6, see rejection to claim 16.

Regarding claim 7, see rejection to claims 14 and 15.

Regarding claim 8, see rejection to claim 17.

Regarding claim 9, the resolution conversion part 7 in Yui inherently includes a A/D converter, or it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a A/D converter into Yui if the signal coming out of the decoder 5 is in analog form because the resolution conversion part 7 operates in digital domain.

Regarding claim 10, see rejection to claim 13.

Regarding claim 11, see col. 5, lines 17-20.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Hirano et al. (6,144,412) shows a scaling unit.

Kida et al. (6,335,728) shows two frame memories.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz, can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M. Lee
Primary Examiner
Art Unit 2622